

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: KELLIE ELAINE BENSON,	{ CHAPTER 13
	{
	{
DEBTOR	{ CASE NO. R24-41491-BEM
	{
	{ JUDGE ELLIS-MONRO

OBJECTION TO CONFIRMATION

COMES NOW K. EDWARD SAFIR CHAPTER 13 TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor's payments under the proposed plan are not current.
2. The Plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d). (72 months).
3. The funding of post-petition mortgage payments have not been maintained in the above-styled Chapter 13 case possibly indicating that the present budget and proposed plan are infeasible, 11 U.S.C. § 1325(a)(6).
4. The Chapter 13 Plan fails to provide the correct value for the claim of Santander Consumer, the correct amount of secured claim for Purchasing Power and the correct collateral for the claim of Vanderbilt Mortgage & Finance, Inc., preventing the Trustee from properly administering this plan.
5. The Chapter 13 budget included with the schedules reflect a monthly disposable income of \$975.00; however, only \$771.00 per month is proposed to be remitted to the plan, thereby indicating a lack of good faith in proposing the instant repayment plan, 11 U.S.C. Section 1325(a)(3).
6. The Debtor's Form 122C-2 appears to be inaccurate and incomplete.
7. The proposed plan fails to provide for the treatment of Vanderbilt Mortgage & Finance, Inc. However, said creditor has filed a secured arrearage claim.

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8. The Chapter 13 petition fails to include a debt owed to Purchasing Power, LLC, in violation of Bankruptcy Rule 1007(a)(1) and 11 U.S.C. Section 1325(a)(3).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of this Debtor's plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

/s/
K. Edward Safir, Attorney
Chapter 13 Trustee
GA Bar No. 622149

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing pleading using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

SAEGER & ASSOCIATES, LLC

I further certify that on this day I caused a copy of this document to be served via first-class United States mail, postage prepaid, on the following parties at the address shown for each:

KELLIE ELAINE BENSON
225 COCHRAN ROAD, SE
FAIRMOUNT, GA 30139

This 21st day of November, 2024

Respectfully submitted,

/s/
K. Edward Safir, Attorney
Chapter 13 Trustee
GA Bar No. 622149

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